IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4377 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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K R JADAV

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4377 of 1989
MR YN OZA for Petitioner
GOVERNMENT PLEADER for Respondent No. 1-4

CORAM : MR.JUSTICE SHARAD D.DAVE

Date of decision: 13/09/2001

ORAL JUDGEMENT

The learned counsel for the petitioner Shri Yatin Oza is absent when called. From the petition, it appears that the petitioner is working as a Matron Grade II in the Mental Hospital at Ahmedabad in the pay scale of Rs.

2000-3200. The petitioner prior to 21st October, 1982 was working as a tutor with the respondents. The Gujarat Public Service Commission advertised the post of Matron Class II, Grade II and the petitioner appeared in the test and selected and was put on the waiting list by the said Commission. Ultimately, the petitioner was appointed to the aforesaid post on 21.10.82. The petitioner is challenging the reversion order reverting her from Matron Class II, Grade II to the post of tutor from the pay scale of 2000-3200 to Rs. 1640-2900. This Court, after hearing the petitioner granted rule and ad-interim injunction against the reversion.

The respondent no. 3 has filed its affidavit-in-reply on 14.6.01 and submitted that the petitioner has applied for voluntary retirement and she ultimately retired on 31.1.93 as Matron Class -II. She has continued on the post on account of injunction obtained in this petition. In view of the fact that she has opted for voluntary retirement and retired on 31.1.93, this Special Civil Application is infructuous and required to be dismissed.

Against the aforesaid affidavit-in-reply, the petitioner has not filed any further affidavit-in-reply. Therefore, there is no reason to disbelieve the respondent's say on oath.

The petition is dismissed in view of the fact that it has become infructuous. Rule is discharged.

After passing the above order, L.A.Mr.S.J.Shukla for Mr.Y.N.Oza, learned counsel for the petitioner appeared and said that he has no instruction whether the petitioner has took voluntary retirement on 31.1.93 or not. This Court has passed the order relying on the affidavit of the respondent no. 3. In case any clarification is required, the petitioner is at liberty to approach this Court afresh.

(SHARAD D DAVE, J)

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